

REMARKS

I. Status of the Claims

Claims 1-4 are pending.

II. Rejections under 35 U.S.C. §102

Claims 1-4 have been rejected as being anticipated by U.S. Patent No. 5,384,762 to Kagami et al. ("Kagami"). The Examiner contends that Kagami discloses all the elements of the Applicant's claimed invention and thus anticipates the claimed invention.

Applicant respectfully traverses this rejection as Kagami fails to disclose all the elements as claimed in claims 1 and 3. Claims 1 and 3 are directed to an apparatus for an optical pickup having a focus servo control based upon a detected focus error signal and a transfer function wherein the transfer function operates based upon whether a seek control is performed or not.

According to the Examiner, Kagami discloses a "transfer function holding means [fig. 1, unit 300] for holding a first transfer function for executing focus servo [col.4, lines 3-26] when said controlling means does not perform said seek control [col. 2, lines 34-59; fig. 5a], and a second transfer function for executing focus servo when said controlling means performs said seek control [ABSTRACT; col. 2, lines 34-59; col.4 line 50 to col. 5, line 37]." (August 10, 2005 Office Action, page 2).

Kagami does not disclose a focus servo control based upon a transfer function operated based upon whether a seek control is performed or not. Kagami merely discloses "a means for controlling the gain of focusing means in response to a seek velocity of an optical head." (Col. 2, lines 25-27). Moreover, Kagami at col. 2, lines 34-59 and Fig. 5a does not disclose a transfer function holding means for holding a first transfer function for executing focus servo when said controlling means does not perform said seek control as contended by the Examiner. Kagami merely discloses an optical disk drive having a "gain control means for controlling the control gain

CONCLUSION

No additional fee is required for this response. However, should the U.S. Patent and Trademark Office determine that any other fee is due the Commissioner is hereby authorized and requested to charge the required fee(s) to our Deposit Account No. 04-0110.

Respectfully submitted,

By

~~Y. Jae Kim~~

Registration No.: 53,128

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant